



Roundup weedkiller on shelves at Walmart in Baltimore, MD. Photo: Diego M. Radzinski/ALM

NEWS

Phila. Jury Returns \$78M to Plaintiffs in Roundup Case

The verdict marks the fourth plaintiffs win in the Philadelphia Roundup litigation since trials in the mass tort began a year ago, and the third win for the plaintiffs team of Kline & Specter and Arnold & Itkin.

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By Aleeza Furman
Litigation Reporter

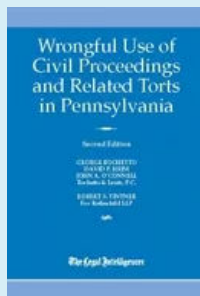
A Philadelphia jury awarded \$78 million Thursday afternoon to the plaintiffs in what was the city's sixth Roundup case to go to trial.

The verdict marks the fourth plaintiffs win in the Philadelphia Roundup litigation since trials in the mass tort began a year ago, and the third win for the plaintiffs team of Kline & Specter and Arnold & Itkin.

"It's just time for Monsanto to come to a realization that the problem is not going to go away, and juries have now continuously responded to the case which we've presented against them, which is a compelling case of misconduct as well as a compelling case of causation between Roundup and non-Hodgkin's lymphoma," said Kline & Specter's Thomas Kline.


Kline represented plaintiffs William and Margaret Melissen alongside Kline & Specter partner Tobi Millrood and Arnold & Itkin founding partner Jason Itkin.

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And the verdict awarded \$75 million in punitive damages and \$3 million in compensatory damages to the plaintiffs, who claimed that William Melissen developed non-Hodgkin lymphoma from his exposure to Monsanto's Roundup weedkiller.

Monsanto, meanwhile, maintains that its product is safe.

A spokesperson for Monsanto said in a statement that the company disagrees with the verdict, "as it conflicts with the overwhelming weight

of scientific evidence and the consensus of regulatory bodies and their scientific assessments worldwide."

The spokesperson added, "We believe that we have strong arguments on appeal to get this verdict overturned and the excessive damages (ratio of punitive to compensatory damages is an unconstitutional 25:1) eliminated or reduced, including the recent Third Circuit Court of Appeals ruling in *Schaffner v. Monsanto*, which unanimously held that the state-based failure-to-warn claims central to this case and others are expressly preempted by the federal law overseeing pesticide labeling, FIFRA."

The company had made a bid for summary judgment in the Melissen's case based on the *Schaffner* ruling, but the judge overseeing the Philadelphia Court of Common Pleas' mass torts program rejected the defendant's argument.

Kline contended that, even if Monsanto were to ultimately win on the preemption issue, that would only apply to the plaintiffs' failure-to-warn claims. Kline said the jury sided with the plaintiffs on more than just failure to warn, also finding for the plaintiffs on two product defect theories and on negligence.

"This jury verdict is sustainable on four different legal theories," he contended.

The case, captioned *Melissen v. Monsanto*, was tried before Judge Craig Levin of the Philadelphia Court of Common Pleas. Proskauer Rose partner Bart Williams was lead counsel for the defense.

The *Melissen* verdict follows two consecutive defense wins for Monsanto in Philadelphia. The three Philadelphia Roundup trials before that yielded plaintiffs verdicts of \$175 million, \$3.5 million and \$2.25 billion (later reduced to \$404 million).

According to Monsanto, the next Philadelphia Roundup trial is scheduled to begin later this month.

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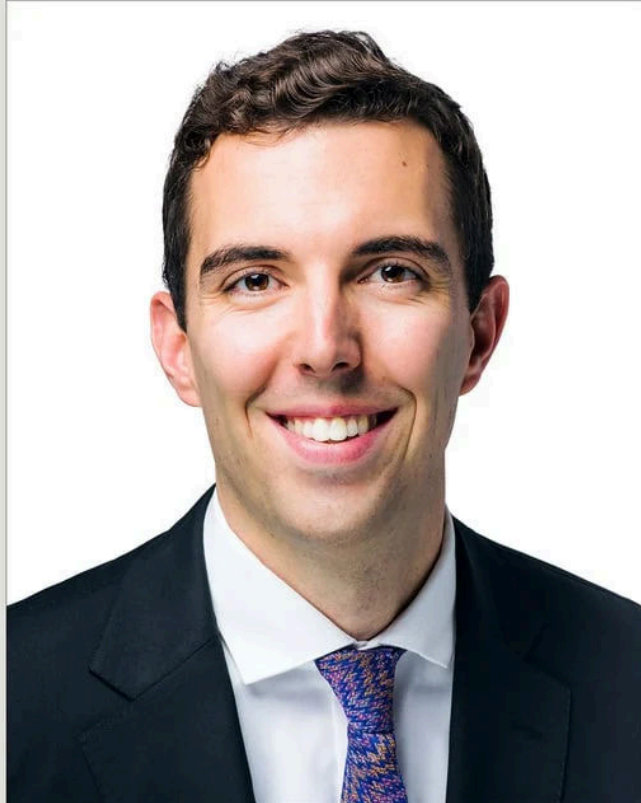


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